

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN M. CORTEZ,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. 2:12-CV-00385-RSL

**REPORT AND
RECOMMENDATION**

Plaintiff Susan Cortez moves for **\$9,255** in attorney fees—i.e., pursuant to a fee agreement 25% of the past due award—to be paid directly to her attorney Richard Baum, who will then refund to Ms. Cortez the earlier awarded EAJA fee of **\$6,926.62**.¹ Dkt. 26. The Commissioner has no objection to plaintiff's motion. Dkt. 31. The Court recommends **GRANTING** Ms. Cortez's motion for attorney fees, Dkt. 26, by signing plaintiff's proposed order, which is attached with typographical errors corrected and the disbursement method indicated. Because Ms. Cortez's motion is unopposed, this Report and Recommendation is

¹ Mr. Baum notes that although his fee agreement allows him to ask for 25% of the past due benefits paid to his client *and* her family, he has chosen to request approval for attorney fees based solely on his client's past due benefits because the Commissioner did not respond to his requests for information about auxiliary dependent benefits. Dkt. 29, at 1–2. The Commissioner's non-opposition brief makes no reference to Mr. Blum's assertions about dependent benefits. Dkt. 31.

1 ready for consideration immediately.

2 DATED this 21st day of May, 2014.

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4 BRIAN A. TSUCHIDA
5 United States Magistrate Judge
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